

Application No.: 10/672,232  
Amendment dated: November 29, 2004  
Reply to Office Action of: July 30, 2004

**REMARKS**

Claims 1 and 3-5 have been amended to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. practice and format, and to place the application fully in condition for allowance. The original Abstract has been amended to provide a more concise summary of the disclosure in accordance with U.S. practice format.

Claim 1 is objected to due to informalities. The term "or" and "may" are considered by the Examiner to be vague and not positive recitations. Accordingly, claim 1 has been amended to delete the objected to terms. The Examiner also noted a spelling error with regard to the word "adapted" in claim 1, line 10. The spelling error has been corrected. Claim 1 has further been amended to improve the claim language.

Claims 1-11 remain pending upon entry of the amendments to the claims above.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 3, 5 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 3 has been rewritten as an independent claim. Claims 5 and 8 depend from claim 3 and, hence, it is believed that claims 3, 5 and 8 are now in condition for allowance.

**Claim Rejections under 35 U.S.C. § 102**

Claim 1 is rejected under 35 USC 102 as being anticipated by U.S. 5,535,487 (Kageyama et al.). Applicants most respectfully traverse this rejection.

Applicants respectfully wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Independent claim 1 has been amended to positively recite that the fixing piece sections (2-1) are resiliently bent to cover the clip set section (3) such that the engaging sections (6) of the fixing piece sections (2-1) engage the holding sections (7) of the clip set section (3), as illustrated in at least Figures 3A and Figures 4A - 4C.

In contrast, in the device of Kageyama et al., the clip 3 appears to be slid into the clip arrangement grooves 2a, 2b of the clip attachment section 2, and the cover 5 is then attached onto the clipped attachment section (column 2, lines 24-37). It appears that the clip 3 is slid into the clip attachment grooves in order to press fit the clip into the clip attachment section, as illustrated in Figures 2A and 2B.

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Hence, the device of Kageyama et al. does not each the claimed fixing piece sections that are resiliently bent to cover the clip set section such that the engaging sections of the fixing piece sections engage the holding sections of the clip set section, as illustrated in at least Figures 3A and 4A - 4C.

In view of the amendments to independent claim 1, and the remarks above, withdrawal of this rejection is respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4, 6, 7 and 9-11 are rejected under 35 USC 103 as being unpatentable over Kageyama et al. in view of U.S. 3,920,337 (Ganz). Applicants most respectfully traverse this rejection.

Applicants most respectfully wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP. MPEP § 2143 states that to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings of the reference. Second, there must be a reasonable expectation of success for the modification. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2143.03 states that all claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully repeat herein the arguments made with regard to the rejection of claim 1 under 35 USC 102. The Examiner has cited the reference to Ganz to provide the clip section and the clip set section in the base reference to Kageyama et al. with engaging means such as holes and protrusions for securing the clip set section to the clip set section in order to prevent vibration of the clip structure, with the alternative motivation being that such modification involves only routine skill in the art. Applicants most respectfully disagree.

The Examiner is directed to at least Figure 1 of Ganz which illustrates at least three separate pieces that are required in order to secure the clip 50 to the barrel section 12, via the follower 22 having pivots 27 over which the parallel slots 54 of the clip 48 engage. The Examiner will note that the clip 48 is pivoted at the pivots 27, as illustrated in Figures 2 and 2A, and therefore the pivots 27 of Ganz do not appear to minimize the vibration of the clip structure since they are not securely attached.

With regard to the indication that such modification is an obvious matter of design choice, Applicants most respectfully disagree. The two-piece structure of the claimed inventions securely attaches the clip section (1) to the clip set section (3) in a highly efficient manner, utilizing the minimum of components which results in a highly

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secure clip fixing structure, and it is respectfully believed that the claimed subject matter cannot be dismissed as an obvious matter of design choice.

Applicants respectfully submit that further modification of the base reference to Kageyama et al. according to the teachings of Ganz will not result in all of the claimed elements of independent claim 1, as presently amended. In view of the amendments to the claims, and the remarks above, withdrawal of this rejection is respectfully requested.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to Applicants' Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,  
BACON & THOMAS, PLLC



WONKI K. PARK  
Attorney for Applicants  
Registration No. 38,991

Date: November 30, 2004  
BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone: 703-683-0500  
Facsimile: 703-683-1080

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